



APPEAL OF SCOTT WESTOVER: AR 137A

Appeal Committee: Mr John Stewart (Chairman), Mr Rob Longuet and Mr Cameron McNally

Date of Hearing: 1 May 2015

Date of Decision: 20 May 2015

REASONS FOR DECISION

Stewards' decision

On 25 April 2015 Stewards found Jockey Scott Westover guilty of breaching AR 137A (5) which provides:

“(5) Subject to the other requirements of this rule:

(a) In a race, official trial or jump-out prior to the 100 metre mark;

(i) The whip shall not be used in a forehand manner in consecutive strides.

(ii) The whip shall not be used in a forehand manner more than on 5 occasions.

(iii) The rider may at his discretion use the whip with a slapping motion down the shoulder, with the whip hand remaining on the reins, or alternatively in a backhand manner.

(b) In the final 100 metres of a race, official trial or jump-out a rider may use his whip at his discretion.”

Jockey Westover rode “Hand in Glove”, the winner of the race.

Particulars of the charge were that Jockey Westover had struck the horse with a forehand action 7 times before the 100 metres mark and that 6 of these strikes were in consecutive strides. It was therefore alleged that the rider was in breach of both AR 137A(5)(i) (use in consecutive strides) and (ii) (2 over the limit).

At the Stewards' inquiry Jockey Westover conceded that he did not dispute the charge adding “it's pretty straightforward”. Stewards imposed a fine of \$700.

Appeal

The appeal was confined to the severity of the penalty. Jockey Westover represented himself and argued that:

- (a) Another rider in the same race had escaped penalty for excessive backhand use of the whip;
- (b) His last breach of the rules for use of the whip in Adelaide resulted in a reprimand;
- (c) Prior to that reprimand his last offence against the whip rules was in July 2014;
- (d) In April 2014 he was fined a total of \$700 for 4 breaches of those rules;
- (e) He had no offences against those rules in the Northern Territory for the past two years; and
- (f) As a visiting rider he found the 100 metres mark hard to identify.

Stewards were represented by Mr Hensler, Chairman of Stewards. These were his submissions:

- (a) Jockey Westover's record was not as good as he had maintained. In the past 12 months or thereabouts his record discloses offences against AR 137A at Ceduna (17 January 2015), Morphettville (5 July 2014), Murray Bridge (2 July 2014), Morphettville Parks (21 June 2014), Murray Bridge (8 June 2014), Morphettville (7 June 2014) and Balaklava (16 April 2014).
- (b) Stewards did not share Jockey Westover's view that another rider in the same races had acted contrary to the rules;
- (c) Winning the race is an aggravating circumstance when other jockeys in the races have ridden within the rules; and
- (d) Jockey Westover has had considerable experience riding in Alice Springs but, even so, it would be a positive measure if the 100 metres point can be marked more clearly.

Decision

In its deliberations the Racing Appeals Tribunal has been guided by the need for consistency of penalties applied in the Northern Territory (Appeal by Scott Westover 04.06.13), a view which has been endorsed by this Authority (Appeal of Matthew Hart 02.12.14).

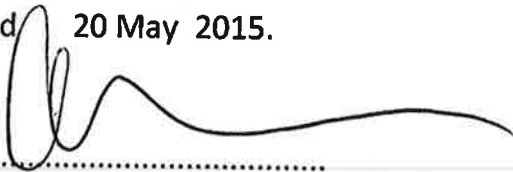
As has been indicated, Jockey Westover's record is not good. His record suggests that he may have found it difficult to successfully challenge a heavier penalty. On the other hand, he deserves credit for readily admitting his guilt at all stages throughout the Stewards' inquiry and this appeal. As regards the 100 metres mark, we accept the Stewards' submission and observe that other riders seem to be able to generally comply with the requirements of the rule.

We have reviewed a list of penalties in the Northern Territory since 1 February 2014 and are satisfied that the penalty in this case is reasonable and in proportion to those applied in other cases. Mr Hensler cited the example of Jockey Hillebrand who was fined \$700 for an offence against AR 137A(5)(a)(i)

on 02.09.14 when he rode a winner. The fine is equivalent to the rider's winning percentage plus the riding fee.

The Stewards' decision is confirmed. The appeal deposit will be retained.

Dated 20 May 2015.

A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a long, sweeping horizontal line that tapers to the right.

John Stewart
Chairman
Thoroughbred Racing NT